

H:cmw 10/24/06 6395-66078-03 598456 I-020-03

PATENT
Attorney Reference Number 6395-66078-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chen et al.

Application No. 10/575,048

Filed: April 4, 2006

Confirmation No. 5962

For: AIR-SAMPLING DEVICE AND METHOD
OF USE

Examiner: Yet To Be Assigned

Art Unit: 3744

Attorney Reference No. 6395-66078-03

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant(s)

Date Mailed October 24, 2006

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Power of Attorney by Assignee and Certificate by Assignee Under
37 CFR § 3.37(b)

The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.

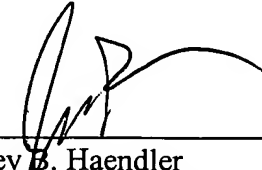
Please return the enclosed postcard to confirm that the item listed above has been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By


Jeffrey B. Haendler
Registration No. 43,652

cc: Docketing



JBH:cmw 591930 6395-66078-03 10/05/06 1-020-03

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Attorney
for Applicant(s)

Date Mailed

[Signature]
October 24, 2006

POWER OF ATTORNEY BY ASSIGNEE AND
CERTIFICATE BY ASSIGNEE UNDER 37 CFR § 3.37(b)

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, the Assignee of the entire right, title and interest in the above-identified patent application by assignment attached hereto, hereby appoints as its representatives to conduct all business in the Patent and Trademark Office connected therewith the attorneys and agents identified as

Customer No. 46135

The Assignee certifies that the above-identified Assignment has been reviewed and to the best of Assignee's knowledge and belief, title is in the Assignee, and a copy of the Assignment is submitted herewith.

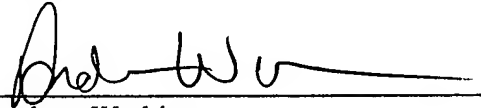
Please address all correspondence to **Customer No. 46135** at:

KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 SW Salmon Street
Portland, OR 97204-2988
Telephone: 503-595-5300
Fax: 503-595-5301

The Centers for Disease Control and Prevention Technology Transfer Office has been duly delegated responsibility for such patent matters under the authority of the memorandum dated January 31, 1997, from Donna E. Shalala, the Secretary of the Department of Health and Human Services, delegating the authority to the Heads of the Public Health Service Operating Divisions, as well as a memorandum dated October 12, 2000, from Jeffrey P. Koplan, M.D., M.P.H., the Director of the Centers for Disease Control and Prevention (who is a Head of a Public Health Service Operating Division), delegating authority to sign this Power of Attorney to the Associate Director for Science and the Director of the Technology Transfer Office of the Centers for Disease Control and Prevention. The undersigned is authorized to exercise such authority in this matter.

Executed on OCTOBER 11, 2006, at Atlanta, Georgia.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES



Andrew Watkins
Director, Technology Transfer Office
Centers for Disease Control and Prevention
(CDC)
1600 Clifton Road NE (E67)
Atlanta, GA 30333
(404) 639-6270

ASSIGNMENT

We, Teh-Hsun B. Chen, of 4110 Cover Point Drive, Morgantown, West Virginia, 26508, a citizen of United States of America, Gregory Feather, of 959 Irwin Street, Morgantown, West Virginia, 26505, a citizen of United States of America, Jyoti Keswani, of 3157 Sylvan Circle, Morgantown, West Virginia, 26508, a citizen of United States of America, and Herbert D. Edgell, III, of 648 Little Falls Road, Morgantown, West Virginia, 26508, a citizen of United States of America, have invented AIR-SAMPLING DEVICE AND METHOD OF USE for which the following patent applications have been filed:

U.S. Provisional Patent Application No. 60/512,252, filed on October 17, 2003;
PCT Application No. US2004/032378, filed on October 1, 2004, which claims the benefit of the provisional application; and
United States Patent Application No. 10/575,048, which is the U.S. national stage of the PCT application;
all three of which applications are referred to herein as "the patent applications."

We were employed by the Department of Health and Human Services at the time the invention was made. The conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest in the invention, in the United States and all other countries throughout the world.

In consideration of our obligations under Executive Order 10096, and other valuable consideration, we the undersigned, have sold, assigned, and transferred and do sell, assign, and transfer to The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Centers for Disease Control and Prevention (hereinafter THE GOVERNMENT), and successors and assigns, our full and exclusive right, title, and interest in the patent applications and invention throughout the United States of America, its territories and dependencies, and all other countries. This includes an assignment of all Letters Patent that may be granted on the invention in the United States of America and all countries throughout the world, and any divisional, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof; and the right to claim priority from the patent applications as provided for by United States law, the Patent Cooperation Treaty, the European Patent Convention, the Paris Convention, or other applicable law.

We authorize and request the issuance of said Letters Patent to THE GOVERNMENT, as assignee of our entire right, title, and interest to be held as fully and entirely as the same would have been held by me had this assignment not been made.

We warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied that will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of the present assignment.

We also agree upon reasonable request to communicate to THE GOVERNMENT, its representatives, assigns or agents, any facts known to me respecting the invention, and to testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths, provide all requested documents, and do everything reasonably possible to aid THE GOVERNMENT and its assigns to obtain and enforce proper patent protection for the invention in the United States or any foreign country. These provisions are binding upon our heirs, legal representatives, administrators and assigns.

We have authorized THE GOVERNMENT to file and prosecute these patent applications, as well as any corresponding international or national applications that claim priority from it. THE GOVERNMENT has the right to select attorneys or agents of its choice to prosecute at its discretion these applications on its behalf.

We grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Assignment any further information that may be necessary or desirable in order to comply with all applicable legal requirements, including the rules of the United States Patent and Trademark Office, for submitting and recording this document.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

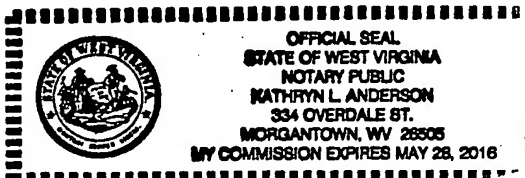
Dated:

08/15/2006

Teh-Hsu B. Chen
Teh-Hsu B. Chen

STATE OF WEST VIRGINIA)
COUNTY OF MORGAN) ss.

This 15TH day of AUGUST, 2006, before me personally came the above-named Teh-Hsu B. Chen, who executed the foregoing Assignment in my presence, and who acknowledged to me that it was executed under that person's own free will for the purposes set forth therein.



[SEAL]

Kathryn L. Anderson
Notary Public for WEST VIRGINIA
My commission expires: May 28, 2016

Dated: 08/30/06

Gregory Feather
Gregory Feather

STATE OF NM)
COUNTY OF Bernillo) ss.

This 30th day of August, 2006, before me personally came the above-named Gregory Feather, who executed the foregoing Assignment in my presence, and who acknowledged to me that it was executed under that person's own free will for the purposes set forth therein.

[Signature]
Notary Public for 2/25/08
My commission expires:

[SEAL]

Jyoti Keswani

Dated: _____

STATE OF _____)
COUNTY OF _____) ss.

This ____ day of _____, 2006, before me personally came the above-named Jyoti Keswani, who executed the foregoing Assignment in my presence, and who acknowledged to me that it was executed under that person's own free will for the purposes set forth therein.

Notary Public for _____
My commission expires:

[SEAL]

Dated: _____

Gregory Feather

STATE OF _____)
) ss.
COUNTY OF _____)

This ____ day of _____, 2006, before me personally came the above-named Gregory Feather, who executed the foregoing Assignment in my presence, and who acknowledged to me that it was executed under that person's own free will for the purposes set forth therein.

Notary Public for _____
My commission expires: _____

[SEAL]

Jyoti Keswani

Jyoti Keswani

Dated: August 10, 2006

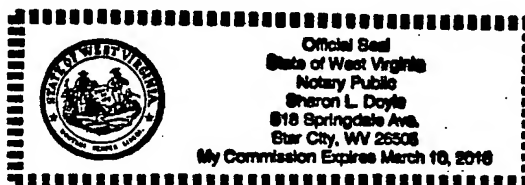
STATE OF W.V.)
) ss.
COUNTY OF Mingo)

This 10th day of August, 2006, before me personally came the above-named Jyoti Keswani, who executed the foregoing Assignment in my presence, and who acknowledged to me that it was executed under that person's own free will for the purposes set forth therein.


Sharon L. Doyle

Notary Public for Mingo County
My commission expires: March 10, 2010

[SEAL]

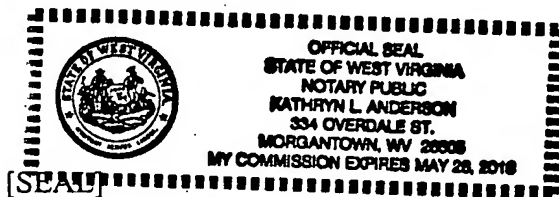



Dated: 8-15-06


Herbert D. Edgell, III

STATE OF WEST VIRGINIA)
COUNTY OF MORGAN) SS.

This 5th day of August, 2006, before me personally came the above-named Herbert D. Edgell, III, who executed the foregoing Assignment in my presence, and who acknowledged to me that it was executed under that person's own free will for the purposes set forth therein.




Notary Public for WEST VIRGINIA
My commission expires: May 28, 2016